

AMENDED IN ASSEMBLY JUNE 13, 1996

AMENDED IN SENATE MAY 20, 1996

AMENDED IN SENATE APRIL 25, 1996

**SENATE BILL**

**No. 2027**

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**Introduced by Senator Watson**

February 23, 1996

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An act to amend Section 7827 of the Family Code, relating to parent and child.

LEGISLATIVE COUNSEL'S DIGEST

SB 2027, as amended, Watson. Parent and child: termination of rights.

Existing law provides that an action may be brought for the purpose of having a child under the age of 18 years declared free from the custody and control of either or both parents under specified circumstances, including, the situation in which the child's parent or parents are mentally disabled and likely to remain so. In order to support a finding under this provision, the evidence of any 2 experts, each of whom shall be either a physician or surgeon, certified as specified, or a licensed psychologist who has a doctoral degree in psychology and at least 5 years of postgraduate experience in the diagnosis and treatment of emotional and mental disorders is required.

This bill would, in addition to this requirement, authorize a court to call, in specified circumstances, a licensed clinical social worker or a marriage, family, and child counselor, experienced as specified.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 7827 of the Family Code is  
 2 amended to read:  
 3 7827. (a) “Mentally disabled” as used in this section  
 4 means that a parent or parents suffer a mental incapacity  
 5 or disorder that renders the parent or parents unable to  
 6 care for and control the child adequately.  
 7 (b) A proceeding under this part may be brought  
 8 where the child is one whose parent or parents are  
 9 mentally disabled and are likely to remain so in the  
 10 foreseeable future.  
 11 (c) Except as provided in subdivision (d), the  
 12 evidence of any two experts, each of whom shall be a  
 13 physician and surgeon, certified either by the American  
 14 Board of Psychiatry and Neurology or under Section 6750  
 15 of the Welfare and Institutions Code, a licensed  
 16 psychologist who has a doctoral degree in psychology and  
 17 at least five years of postgraduate experience in the  
 18 diagnosis and treatment of emotional and mental  
 19 disorders, is required to support a finding under this  
 20 section. In addition to this requirement, the court shall  
 21 have the discretion to call a licensed marriage, family, and  
 22 child counselor, or a licensed clinical social worker, either  
 23 of whom shall have at least five years of relevant  
 24 postlicensure experience, in circumstances where the  
 25 court determines that this testimony is in the best interest  
 26 of the child ~~or children affected~~ and is warranted by the  
 27 circumstances of the particular family or parenting issues  
 28 involved. *However, the court may not call a licensed*  
 29 *marriage, family, and child counselor or licensed clinical*  
 30 *social worker pursuant to this section who is the adoption*  
 31 *service provider, as defined in Section 8502, of the child*  
 32 *who is the subject of the petition to terminate parental*  
 33 *rights.*  
 34 (d) If the parent or parents reside in another state or  
 35 in a foreign country, the evidence required by this section



1 may be supplied by the affidavits of two experts, each of  
2 whom shall be either of the following:

3 (1) A physician and surgeon who is a resident of that  
4 state or foreign country, and who has been certified by a  
5 medical organization or society of that state or foreign  
6 country to practice psychiatric or neurological medicine.

7 (2) A licensed psychologist who has a doctoral degree  
8 in psychology and at least five years of postgraduate  
9 experience in the diagnosis and treatment of emotional  
10 and mental disorders and who is licensed in that state or  
11 authorized to practice in that country.

12 (e) If the rights of a parent are sought to be terminated  
13 pursuant to this section, and the parent has no attorney,  
14 the court shall appoint an attorney for the parent  
15 pursuant to Article 4 (commencing with Section 7860) of  
16 Chapter 3, whether or not a request for the appointment  
17 is made by the parent.

